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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,085	01/13/2005	Paul Stuart Coley	A36427-PCT-USA (072813.01)	1138
21003 7590 11/01/2007 BAKER BOTTS L.L.P. 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112-4498			EXAMINER OGDEN JR, NECHOLUS	
			ART UNIT. 1796	PAPER NUMBER
			NOTIFICATION DATE 11/01/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DLNYDOCKET@BAKERBOTTSCOM

# Office Action Summary

Application No.

10/517,085

Applicant(s)

COLEY, PAUL STUART

Examiner

Necholus Ogden

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. Claims 1-12 and 14-15 rejected under 35 U.S.C. 102(e) as anticipated by Jones (6,475,290) is withdrawn.

2. Claims 1-12 and 14-15 are rejected under 35 U.S.C. 103(a) as obvious over Jones (6,475,290) in view of Cantrell et al (3,609,089) or Genova et al (6,008,261)

Jones discloses a cleaning solution for substrates such as motor vehicles (claim 1) comprising anionic surfactants such as lignosulfonate; pH adjusting agents; 0.5 to 5.0% by weight of a microorganism and water (col. 3, lines 28-33). Moreover, see examples 1-2 and claim 1.

Jones is silent with respect to the alkali metal chloride component.

Cantrell et al disclose a vehicle cleansing compositions comprising phosphates, 5-60% by weight of alkali metal chloride; alkyl benzene sulfonates; ethoxylated alcohols and a hydrotropic agent (abstract).

Genova et al disclose an aqueous cleansing composition that may be used as a car detergent (abstract), which comprises surfactants; an alkyl ester of lactic acid; an electrolyte such as sodium chloride (col. 3-col. 4, line 53).

It would have been obvious to one of ordinary skill in the art to include the sodium chloride component of Cantrell et al or Genova et al because Cantrell et al or Genova et al each disclose said sodium chloride as a additive in car washing compositions and Cantrell et al further teach that said sodium chloride component functions to provide a greatly increased overall cleaning activity (col. 2, lines 20-27).

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Therefore, one of ordinary skill would have been motivated to include said sodium chloride component in view of the benefits disclosed therein.

An obviousness determination is not the result of a rigid formula disassociated from the consideration of the facts of a case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not. See KSR Int'l Co. v. Teleflex Inc., 550 U.S. \_\_\_, 2007 WL 1237837, at \*12 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.").

3. Claims 1-7 and 14-15 rejected under 35 U.S.C. 102(e) as anticipated by Teasdale et al (6,376,451) is withdrawn.

4. Claims 1-7 and 14-15 are rejected under 35 U.S.C. 103(a) as obvious over Teasdale et al (6,376,451) in view of Cantrell et al (3,609,089) or Genova et al (6,008,261).

Teasdale et al discloses a hard surface cleaning composition comprising anionic, nonionic surfactants; an enzyme; bacteria; a stabilizer; a buffer and water (col. 1, line 43-col. 2, line 3). Teasdale et al further teach that said bacteria are present in an amount from 0.1 to 10% by weight (see Table and claims).

Teasdale et al is silent with respect to an alkali metal halide component.

Cantrell et al disclose a vehicle cleansing compositions comprising phosphates, 5-60% by weight of alkali metal chloride; alkyl benzene sulfonates; ethoxylated alcohols and a hydrotropic agent (abstract).

Genova et al disclose an aqueous cleansing composition that may be used as a car detergent (abstract), which comprises surfactants; an alkyl ester of lactic acid; an electrolyte such as sodium chloride (col. 3-col. 4, line 53).

It would have been obvious to one of ordinary skill in the art to include the sodium chloride component of Cantrell et al or Genova et al because Cantrell et al or Genova et al each disclose said sodium chloride as a additive in car washing compositions and Cantrell et al further teach that said sodium chloride component functions to provide a greatly increased overall cleaning activity (col. 2, lines 20-27). Therefore, one of ordinary skill would have been motivated to include said sodium chloride component in view of the benefits disclosed therein.

5. Claims 1-4 and 6-12 rejected under 35 U.S.C. 102(b) as anticipated by Hei et al (5,871,590) is withdrawn.

6. Claims 1-4 and 6-12 are rejected under 35 U.S.C. 103(a) as obvious over Hei et al (5,871,590) in view of Cantrell et al (3,609,089) or Genova et al (6,008,261).

Hei et al disclose an aqueous composition for cleaning vehicle surfaces such as cars and trucks in automatic car washes comprising surfactants, sequestrants, chelating agents solvent and water (col. 4, line 25-col. 5, line 11).

Hei et al is silent with respect to an alkali metal halide component.

Cantrell et al disclose a vehicle cleansing compositions comprising phosphates, 5-60% by weight of alkali metal chloride; alkyl benzene sulfonates; ethoxylated alcohols and a hydrotropic agent (abstract).

Genova et al disclose an aqueous cleansing composition that may be used as a car detergent (abstract), which comprises surfactants; an alkyl ester of lactic acid; an electrolyte such as sodium chloride (col. 3-col. 4, line 53).

It would have been obvious to one of ordinary skill in the art to include the sodium chloride component of Cantrell et al or Genova et al because Cantrell et al or Genova et al each disclose said sodium chloride as a additive in car washing compositions and Cantrell et al further teach that said sodium chloride component functions to provide a greatly increased overall cleaning activity (col. 2, lines 20-27). Therefore, one of ordinary skill would have been motivated to include said sodium chloride component in view of the benefits disclosed therein.

7. Claims 1-4 and 6-12 rejected under 35 U.S.C. 102(b) as anticipated by Leadingham et al (5,525,255) is withdrawn.

8. Claims 1-4 and 6-12 are rejected under 35 U.S.C. 103(a) as obvious over Leadingham et al (5,525,255) in view of Cantrell et al (3,609,089) or Genova et al (6,008,261).

Leadingham et al disclose a cleaning agent for use in self propelled vehicle-scrubbing equipment, wherein said vehicles include trucks (col. 1, lines 58-63 and col. 5, lines 35-39). Leadingham et al teach that said cleaning agent comprises nonylphenol ethoxylates; alkane sulfonates, and a microorganism in an aqueous solution (see examples 1 and 2).

Leadingham et al is silent with respect to the alkali metal halide component.

Cantrell et al disclose a vehicle cleansing compositions comprising phosphates, 5-60% by weight of alkali metal chloride; alkyl benzene sulfonates; ethoxylated alcohols and a hydrotropic agent (abstract).

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Genova et al disclose an aqueous cleansing composition that may be used as a car detergent (abstract), which comprises surfactants; an alkyl ester of lactic acid; an electrolyte such as sodium chloride (col. 3-col. 4, line 53).

It would have been obvious to one of ordinary skill in the art to include the sodium chloride component of Cantrell et al or Genova et al because Cantrell et al or Genova et al each disclose said sodium chloride as a additive in car washing compositions and Cantrell et al further teach that said sodium chloride component functions to provide a greatly increased overall cleaning activity (col. 2, lines 20-27). Therefore, one of ordinary skill would have been motivated to include said sodium chloride component in view of the benefits disclosed therein.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-12 and 14-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

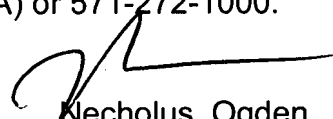
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Necholus Ogden  
Primary Examiner  
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No



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